

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Blue Spike, LLC,

Plaintiff,

V.

Texas Instruments, Inc., et al.,

Defendants.

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

**Declaration of Randall Garteiser in Support of Plaintiff Blue Spike LLC's Opposition
to Soundmouse's Motion to Dismiss or Transfer Venue [Dkt. 648]**

I, Randall Garteiser, declare as follows:

1. I, Randall T. Garteiser, am a partner in the law firm of Garteiser Honea, P.C. We represent Plaintiff Blue Spike LLC in this lawsuit. I have personal knowledge of the information contained in this declaration and can testify to the truth of these statements.

2. Attached hereto as Exhibit 1 is a true and correct copy of a forum page on Sound On Sound's website accessed April 25, 2013.

3. Attached hereto as Exhibit 2 is a true and correct copy of a Wall Street Journal Blog website accessed April 25, 2013.

4. Attached hereto as Exhibit 3 is a true and correct copy of a page from Soundmouse's website accessed on April 25, 2013.

5. Attached hereto as Exhibit 4 is a true and correct copy of an advertisement for Soundmouse on ZoomInfo.com's website accessed April 25, 2013.

6. Attached hereto as Exhibit 5 is a true and correct copy of the Texas Music Office's website from the Office of the Governor Rick Perry accessed April 25, 2013.

7. Attached hereto as Exhibit 6 is a true and correct copy of a list of several employees and affiliates of BMI, ASCAP, and SESAC in Texas from the LinkedIn website accessed April 25, 2013.

8. Attached hereto as Exhibit 7 is a true and correct copy of a screenshot of TV listings in Tyler, Texas from aol.com accessed April 25, 2013.

9. Attached hereto as Exhibit 8 is a true and correct copy of a screenshot of TV listings in Tyler, Texas from aol.com accessed April 25, 2013.

10. Attached hereto as Exhibit 9 is a true and correct copy of a registration form from Soundmouse's website accessed April 30, 2013.

11. Attached hereto as Exhibit 10 is a true and correct copy of Soundmouse's homepage from its website accessed April 30, 2013.

12. Attached hereto as Exhibit 11 is an exhibit intentionally left blank.

13. Attached hereto as Exhibit 12 is a true and correct copy of the Court's Consolidation Order filed March 26, 2013, as Dkt No. 530.

14. Attached hereto as Exhibit 13 is a true and correct copy of a Report and Recommendation of the United States Magistrate Judge Mazzant dated August, 24, 2012 in *Net Navigation Systems, LLC v. Alcatel-Lucent USA, Inc.*, Case No. 4:11-CV-663.

15. Attached hereto as Exhibit 14 is a true and correct copy Magistrate Judge Mazzant dated August 21, 2012 in *Oasis Research, LLC v. Pro Softnet Corp.*, Case No. 4:12-cv-00531.

16. Attached hereto as Exhibit 15 is a true and correct copy of an Order and Order signed by United States District Judge Davis on September 27, 2012 in *Mosaid Technologies, Inc. v. Freescale Semiconductor, Inc.* in Case No. 6:11-cv-00173.

17. Attached hereto as Exhibit 16 is a true and correct copy of an Order signed by United States District Judge Folsom on May 3, 2011 in *GHJ Holdings, Inc. v. Mag Instrument, Inc.* in Case No. 5:10-cv-00230.

18. Attached hereto as Exhibit 17 is a true and correct copy of an Order signed by United States District Judge Schneider on March 28, 2013 in *Novel Point Learning, LLC v. Leapfrog Enterprises Inc., et al.*, in Case No. 6:10-cv-00229.

///

///

I declare on May 16, 2013, in Marin County under penalty of perjury under the laws of the United States and California that the statements made in this declaration are true and correct.

/s/ Randall Garteiser
Randall Garteiser